

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

P17752-US1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on November 6, 2008

Signature

Typed or printed name
Pamela C. Shultz

Application Number

10/595,012

Filed

12/16/2005

First Named Inventor

Jan Lindskog

Art Unit

2617

Examiner

Chambers, Tangelia T

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record. 40,542

Registration number

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Roger S. Burleigh
Signature

Roger S. Burleigh

Typed or printed name

972-583-5799

Telephone number

November 6, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

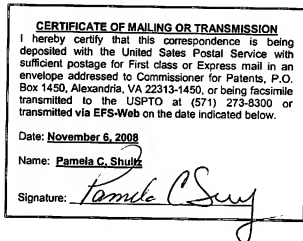
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jan Lindskog, <i>et al.</i>	§	Group Art Unit:	2617
Application No:	10/595,012	§	Examiner:	Chambers, Tangelia T
Filed:	12/16/2005	§	Confirmation No:	1229
Attorney Docket No:	P17752-US1	§		
Customer No.:	27045	§		

For: Method and Arrangement in a Communication System

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



PRE-APPEAL BRIEF REQUEST FOR REVIEW

Issues regarding the Pre-Appeal Brief Request are as follows:

PENDING REJECTIONS

Claim Rejections – 35 U.S.C. §102(e)

The Examiner has rejected claims 1-20 as being anticipated by Magnusson (U.S. Patent Publication No. 2003/0099282 A1).

ARGUMENTS

First, it is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Magnusson fails to anticipate each and every limitation of claim 1, that claim is not anticipated thereby.

Claim 1 recites:

1. A method for allocating channel resources in a radio communication system, the method comprising:
 - receiving a request for allocation of a channel resource;
 - allocating a specific channel resource according to a predetermined rule which includes considering an estimate of when said specific channel resource will be released **and** estimates of when other previously allocated channel resources will be released. (emphasis added)

The Applicants' invention is directed to the efficient allocation of channel resources in a radio communication and is characterized by allocating specific channel resources based on an estimate of when a specific channel resource will be released as well as estimates of when other previously allocated channel resources will be released. The Examiner has asserted that Magnusson discloses such claim elements. The Examiner's assertion, however, erroneously equates "a duration of allocation," as taught by Magnusson, with an "estimate of release," as claimed by the Applicant.

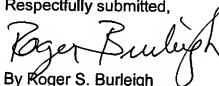
Magnusson discloses a code allocation unit that selects one or more codes which have a largest combined weight. The weights can be related to *duration of allocation*, which can be derived based on service type or individual user behavior (see paragraphs 57 and 58 of Magnusson). A "duration of allocation," however, is different than an estimate of *when* a resource will be released; *i.e.*, a "duration of allocation" is related to a **length** of time an allocation lasts, while an estimate of a time of release is a future **point** in time *when* the

resource is estimated to be released. Therefore, Magnusson does not anticipate the invention as recited in claim 1. Whereas claim 11 recites limitations analogous to those of claim 1, it is also not anticipated by Magnusson. Furthermore, whereas claims 2-10 and 12-20 are dependent from claims 1 and 11, respectively, and include the limitations thereof, they are also not anticipated by Magnusson.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be patentable over Magnusson. The Applicants, therefore, respectfully request that the Panel reverse the Examiner's claim rejections.

Respectfully submitted,



By Roger S. Burleigh
Registration No. 40,542

Date: November 6, 2008

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com